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In re Application of
Gary E. Johnson
Application No. 09/204,866
Filed: December 3, 1998
Attorney Docket No. PA1.615
Title: POWERED CUTTING SURFACE
WITH PROTECTIVE GUARD FOR
EQUINE TEETH

OFFICE OF PETITIONS

DECISION ON RENEWED
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed on October 10, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed June 12, 2002, which set a shortened statutory period for reply of three (3) months. On September 12, 2002, an amendment was received. The amendment was considered by the Examiner, and was not deemed to place the application in condition for allowance. An advisory action was mailed on October 15, 2002, which did not grant any additional period for response. On December 23, 2002, a second after-final amendment was received, containing a certificate of mailing dated December 21, 2002. On January 24, 2003, a notice of abandonment was mailed, which indicated that applicant's submission could not be considered, since it was filed subsequent to the maximum extendable period for response (December 12, 2002). Accordingly, the above-identified application became abandoned on September 13, 2002.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the original petition, filed on March 24, 2003, the petitioner paid the petition fee, made the proper statement of unintentional delay, submitted an amendment, and submitted the fee associated with the filing of a statutory disclaimer².

The petition was dismissed for failure to include the required reply.

With the renewed petition, petitioner has submitted an amendment which has been considered by the examiner and has been deemed to be acceptable.

As such, the petition is **GRANTED**.

The Change of Correspondence Address has been entered and made of record.

After the mailing of this decision, the application will be forwarded to Technology Center 3700 for further processing of the amendment filed with the instant petition.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
Attorney
Office of Petitions
United States Patent and Trademark Office

² As this application was filed subsequent to June 8, 1995, no terminal disclaimer is necessary. As such, the associated fee has not been charged to Petitioner's deposit Account.